

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 TRSE-00 CAB-09 INSE-00 COME-00

DOT-00 L-03 CIAE-00 DODE-00 INR-10 NSAE-00 RSC-01

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DRAFTED BY EB/ OA/ AVP: DBORTMAN: EE

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APPROVED BY EB/ OA/ AVP: DBORTMAN

TREASURY - MR. CLAWSON (SUBS)

CAB - MR. CORBOY (SUBS)

CUSTOMS - MR. SEIDEL (SUBS)

INS - MR. CAREY (SUBS)

USTS/ COMMERCE - MR. MACEACHERN(SUB)

DOT - MR. MYERS (SUBS)

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O 191800 Z JUN 73

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

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E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJECT: CIVAIR: PRECLEARANCE

REF: BROWN/ ORTMAN TELECON

1. US AGREES TO PROPOSAL IN CANADIAN EMB AIDE MEMOIRE
JUNE 15 FOR PRELIMINARY DISCUSSION OF PRECLEARANCE AGREE-
MENT JUNE 20 IN OTTAWA. US SPOKESMAN WILL BE DAVID B.
ORTMAN, ASSISTANT CHIEF, AVIATION PROGRAMS AND POLICY DIVI-
SION, DEPT OF STATE, AND USDEL WILL INCLUDE JAMES CLAWSON,
DEPUTY ASSISTANT SECRETARY, TREASURY, ROSAIRO J. SCIBILIA,
DEPUTY DIRECTOR, BUREAU OF INTERNATIONAL AFFAIRS, CAB, AND
WALTER COLLOPY, EMB. US WILL GO ALONG WITH CANADIAN IN-
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SISTENCE THAT AIRLINE REPS BE EXCLUDED BUT REPS OF ATA AND NACA WILL BE AVAILABLE IN OTTAWA FOR CONSULTATION BY USDEL.

2. IT WOULD BE HELPFUL IF EMB COULD PROVIDE CANADIANS SOONEST WITH FOLLOWING TEXT WHICH US WILL SUGGEST BE USED AS POINT OF DEPARTURE:

3. BEGIN TEXT: REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND OF THE GOVERNMENT OF CANADA HAVE DISCUSSED THE CONTINUANCE IN CANADA OF INSPECTIONS REQUIRED FOR ENTRY INTO THE UNITED STATES OF PASSENGERS DESTINED NONSTOP TO THE UNITED STATES ON COMMON CARRIAGE FLIGHTS OF AIRCRAFT, SCHEDULED OR CHARTER, BUT NOT INCLUDING TRANSBORDER TAXI TYPE OPERATIONS OR PRIVATE FLIGHTS, A PROCEDURE HEREAFTER REFERRED TO AS "PRECLEARANCE", WHICH HAS BEEN IN EFFECT SINCE L955. THEY AGREED THAT PRECLEARANCE FACILITATES TRAVEL BETWEEN THE UNITED STATES AND CANADA AND THAT IT SHOULD BE CONTINUED AT EXISTING LOCATIONS, SUBJECT TO PROVISION OF FACILITIES ADEQUATE TO ENABLE U. S. INSPECTION AGENCIES TO USE THEIR MANPOWER EFFICIENTLY AND TO INSURE PROPER SECURITY SAFEGUARDS FOR PASSENGERS, AIRCRAFT, CREW, BAGGAGE, AND AIRCRAFT STORES ENTERING THE U. S. AND TO OTHER CONDITIONS SET FORTH IN THIS MEMORANDUM OF UNDERSTANDING.

1. THE GOVERNMENT OF CANADA SHALL:

(A) PERMIT U. S. INSPECTIONAL AGENCIES TO CARRY OUT PRECLEARANCE OF PASSENGERS, AIRCRAFT CREW, BAGGAGE, AND AIRCRAFT STORES DESTINED NONSTOP TO THE UNITED STATES AND IN THIS CONTEXT PERMIT U. S. INSPECTIONAL AGENCIES TO DETERMINE PROCEDURES FOR CARRYING OUT INSPECTIONS AND THE UTILIZATION OF MANPOWER.

(B) PROVIDE BY (BLANK) MUTUALLY ACCEPTABLE FACILITIES, AS FURTHER DEFINED IN THE FACILITIES ANNEX ATTACHED TO THIS MEMORANDUM AND SPECIFICALLY INCLUDING INSTALLATION AND OPERATION OF SUCH COMMUNICATIONS AND OTHER MODERN LIMITED OFFICIAL USE

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INSPECTIONAL AIDS AS ARE REQUIRED BY THE UNITED STATES INSPECTIONAL AGENCIES.

(C) SEARCH BY CANADIAN AUTHORITIES FOR ARTICLES FALSELY DECLARED OR NOT DECLARED. (POSSIBLE LANGUAGE ON THIS POINT WILL BE PROVIDED SEPARATELY.)

(D) SEIZURE BY CANADIAN AUTHORITIES OF MERCHANDISE
FALSELY DECLARED OR NOT DECLARED. (POSSIBLE
LANGUAGE ON THIS POINT WILL BE PROVIDED
SEPARATELY.)

(E) GRANT TO ALL U. S. CITIZEN EMPLOYEES OF THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
ASSIGNED TO DUTIES IN CANADA IN CONNECTION WITH
THIS UNDERSTANDING, AND THEIR FAMILIES, THE
SAME PRIVILEGES AND IMMUNITIES AS ARE ACCORDED
TO ADMINISTRATIVE AND TECHNICAL PERSONNEL OF
A DIPLOMATIC MISSION OR THE FAMILIES OF SUCH
PERSONNEL, RESPECTIVELY, UNDER THE VIENNA CON-
VENTION ON DIPLOMATIC RELATIONS OF 1961.

2. THE GOVERNMENT OF THE UNITED STATES SHALL:

(A) PROVIDE SUFFICIENT INSPECTORS TO CARRY OUT PRE-
CLEARANCE OF PASSENGERS, CREW, BAGGAGE AND AIR-
CRAFT STORES ON COMMON CARRIAGE FLIGHTS OF AIR-
CRAFT, SCHEDULED OR CHARTER, BUT NOT INCLUDING
TRANSBORDER TAXI TYPE OPERATIONS OR PRIVATE
FLIGHTS, DESTINED NONSTOP TO THE UNITED STATES
WITH REASONABLE SPEED AND EFFICIENCY AND WITH
CARE TO AVOID UNDUE INCONVENIENCE TO TRAVELERS
FROM CANADA TO THE UNITED STATES.

(B) CONDUCT PRECLEARANCE UNDER THIS PROCEDURE UNLESS
THE OFFICERS IN CHARGE OF THE U. S. FEDERAL IN-
SPECTION AGENCIES AFTER CONSULTATION WITH THE
AIRPORT MANAGER OR OTHER APPROPRIATE CANADIAN
AUTHORITIES AND THE AIR CARRIERS CONCERNED,
DETERMINE THAT ADEQUATE MANPOWER IS NOT AVAIL-
ABLE OR THAT THE ACCUMULATION OF PASSENGERS

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WILL OVERTAX THE FACILITIES. IF, AFTER SUCH
CONSULTATION, IT IS NECESSARY FOR U. S. INSPEC-
TION AGENCIES TO REQUIRE POST CLEARANCE ON
ARRIVAL IN THE UNITED STATES INSTEAD OF, OR IN
ADDITION TO, PRECLEARANCE IN CANADA, THE
UNITED STATES INSPECTION AGENCIES WILL SELECT
FLIGHTS FOR SUCH POST CLEARANCE ON A REASONABLE
AND NONDISCRIMINATORY BASIS.

3. EITHER GOVERNMENT MAY AT ANY TIME REQUEST CONSULTA-
TIONS CONCERNING THE INTERPRETATION, APPLICATION OR
AMENDMENT OF THIS UNDERSTANDING, INCLUDING THE
FACILITIES AGREEMENTS AND ATTACHMENTS. SUCH CON-
SULTATIONS SHALL BEGIN WITHIN 60 DAYS FROM THE DATE

THE OTHER GOVERNMENT RECEIVES THE REQUEST.

4. (A) THIS UNDERSTANDING ON PRECLEARANCE SHALL BECOME EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN FORCE, SUBJECT TO THE ABOVE PROVISIONS AND THE FACILITIES REQUIREMENTS WHICH ARE SET OUT IN DETAIL IN THE FACILITIES ANNEX FOR AN INITIAL PERIOD OF TWO YEARS. THEREAFTER IT MAY BE TERMINATED BY EITHER GOVERNMENT ON ONE YEAR' S NOTICE.

(B) IF AGREEMENT IS NOT REACHED BETWEEN THE UNITED STATES AND CANADA ON THE FACILITIES TO BE PROVIDED IN CANADA FOR THE PRECLEARANCE PROGRAM UNDER 1(B) ABOVE BY (BLANK), PRECLEARANCE AT A POINT OR POINTS WHERE AGREEMENT HAS NOT BEEN REACHED MAY BE TERMINATED BY EITHER PARTY ON

ON ONE MONTH' S NOTICE.

5. IF THE GOVERNMENT OF CANADA SHOULD REQUEST INTRODUCTION OF PRECLEARANCE INTO ADDITIONAL POINTS IN ITS TERRITORY THE UNITED STATES WILL CONSIDER SUCH REQUEST IN THE LIGHT OF THE VOLUME OF TRAFFIC AND THE AVAILABILITY OF ADEQUATE FACILITIES AT THE PROPOSED POINT. HOWEVER, PRECLEARANCE SHALL NOT BE INTRODUCED INTO ADDITIONAL POINTS EXCEPT ON AGREEMENT OF BOTH PARTIES.

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6. IF THE GOVERNMENT OF CANADA REQUESTS THE RIGHT TO INITIATE PRECLEARANCE BY ITS INSPECTION AGENCIES AT A POINT OR POINTS IN THE U. S., THE USG AGREES TO CONSULT PROMPTLY TO SEEK TO NEGOTIATE AN AGREEMENT COMPARABLE TO THIS MEMORANDUM OF UNDERSTANDING PROVIDING FOR THE REQUESTED CANADIAN PRECLEARANCE. IF AGREEMENT CANNOT BE REACHED BETWEEN THE PARTIES ON SUCH A MEMORANDUM OF UNDERSTANDING WITHIN SIX MONTHS AFTER THE CANADIAN REQUEST, THEREAFTER THE GOVERNMENT OF CANADA MAY TERMINATE THIS AGREEMENT ON SIX MONTHS' NOTICE NOTWITHSTANDING ANY OTHER PROVISIONS HEREIN. END TEXT ROGERS

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